

Please type a plus sign (+) inside this box



PTO/SB/05 (08-00)

Approved for use through 10/31/2002, OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

23-08-02

UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 06523-101

First Inventor or Application Identifier James H. Levine

Title VARIABLE RADIUS FLEXIBILITY APPARATUS

Express Mail Label No. EL653521000US

03/06/02
100-06523-101
4879

APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning design patent application contents.</small>		ADDRESS TO Commissioner for Patents Box Patent Application Washington, DC 20231	
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i></p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages 15] <i>(preferred arrangement set forth below)</i> - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed sponsored R & D - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (<i>if filed</i>) - Detailed Description - Claim(s) - Abstract of the Disclosure</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C.113) [Total Sheets 11]</p> <p>5. Oath or Declaration [Total Pages 1] a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) <i>(for a continuation/divisional with Box 17 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>		<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i></p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p>b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper</p> <p>c. <input type="checkbox"/> Statements verifying identity of above copies</p>	
ACCOMPANYING APPLICATIONS PARTS			
<p>9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>10. <input type="checkbox"/> 37 C.F.R. §3.73(b) Statement <input checked="" type="checkbox"/> 2 Power of <i>(when there is an assignee)</i> Attorney Forms</p> <p>11. <input type="checkbox"/> English Translation Document (<i>if applicable</i>)</p> <p>12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i></p> <p>16. <input checked="" type="checkbox"/> Other: two checks for \$40.00 (assignment recordal fee) & \$740.00 (utility filing fee based on large entity status).</p>			

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No: _____ /
Prior application information: Examiner _____ Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label		26486		or <input type="checkbox"/> Correspondence address below <i>(Insert Customer No. or Attach bar code label here)</i>	
Name					
Address					
City	State		Zip Code		
Country	Telephone		Fax		

Name (Print/Type)	Peter J. Borghetti		Registration No. (Attorney/Agent)	42,345
Signature			Date	March 6, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) **\$780.00**

Complete if Known	
Application Number	N/A
Filing Date	Herewith
First Named Inventor	James H. Levine
Examiner Name	N/A
Group / Art Unit	N/A
Attorney Docket No.	06523-101

1062907
03/06/02
1062907
03/06/02

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																														
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees (deficiencies only) and credit any over payments to: Deposit Account Number: 03-2410 (Order No. 06523-101) Deposit Account Name: Perkins, Smith & Cohen, LLP <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td></tr> <tr><td colspan="5">Other fee (specify)</td></tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL (3) (\$40.00)</td> </tr> </tbody> </table>				Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath	127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	139	130	139	130	Non-English specification	147	2,520	147	2,520	For filing a request for reexamination	112	920*	112	920*	Requesting publication of SIR prior to Examiner action	113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	115	110	215	55	Extension for reply within first month	116	400	216	200	Extension for reply within second month	117	920	217	460	Extension for reply within third month	118	1,440	218	720	Extension for reply within fourth month	128	1,960	228	980	Extension for reply within fifth month	119	320	219	160	Notice of Appeal	120	320	220	160	Filing a brief in support of an appeal	121	280	221	140	Request for oral hearing	138	1,510	138	1,510	Petition to institute a public use proceeding	140	110	240	55	Petition to revive - unavoidable	141	1,280	241	640	Petition to revive - unintentional	142	1,280	242	640	Utility issue fee (or reissue)	143	460	243	230	Design issue fee	144	620	244	310	Plant issue fee	122	130	122	130	Petitions to the Commissioner	123	50	123	50	Processing fee under 37 CFR 1.17(q)	126	180	126	180	Submission of Information Disclosure Stmt	581	40	581	40	Recording each patent assignment per property (times number of properties)	146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	179	740	279	370	Request for Continued Examination (RCE)	169	900	169	900	Request for expedited examination of a design application	Other fee (specify)					*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$40.00)
Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																														
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																														
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																														
139	130	139	130	Non-English specification																																																																																																																																																														
147	2,520	147	2,520	For filing a request for reexamination																																																																																																																																																														
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																														
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																														
115	110	215	55	Extension for reply within first month																																																																																																																																																														
116	400	216	200	Extension for reply within second month																																																																																																																																																														
117	920	217	460	Extension for reply within third month																																																																																																																																																														
118	1,440	218	720	Extension for reply within fourth month																																																																																																																																																														
128	1,960	228	980	Extension for reply within fifth month																																																																																																																																																														
119	320	219	160	Notice of Appeal																																																																																																																																																														
120	320	220	160	Filing a brief in support of an appeal																																																																																																																																																														
121	280	221	140	Request for oral hearing																																																																																																																																																														
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																														
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																														
141	1,280	241	640	Petition to revive - unintentional																																																																																																																																																														
142	1,280	242	640	Utility issue fee (or reissue)																																																																																																																																																														
143	460	243	230	Design issue fee																																																																																																																																																														
144	620	244	310	Plant issue fee																																																																																																																																																														
122	130	122	130	Petitions to the Commissioner																																																																																																																																																														
123	50	123	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																														
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																														
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																														
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																														
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																														
179	740	279	370	Request for Continued Examination (RCE)																																																																																																																																																														
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																														
Other fee (specify)																																																																																																																																																																		
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$40.00)																																																																																																																																																														
**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																		

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Peter J. Borghetti	Registration No. Attorney/Agent)	42,345	Telephone (617) 854-4000
Signature				Date March 6, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

EXPRESS MAIL LABEL NO. EL653521000US FILING DATE: 03/06/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION FOR LETTERS PATENT
(UTILITY PATENT)

APPLICANTS: James H. Levine, a resident of Westford, MA,
a US citizen; and

Joop F. Hoekstra, a resident of Medfield,
a US citizen.

INVENTION TITLE: VARIABLE RADIUS FLEXIBILITY APPARATUS

ASSIGNEE: FitnessLab, LLC. ATTORNEYS:
Jerry Cohen (Reg. No. 20,522)
Harvey Kaye* (Reg. No. 18,978)
Stephen Y. Chow (Reg. No. 31,338)
Jacob N. Erlich (Reg. No. 24,338)
Peter J. Borghetti, (Reg. No. 42,345)
Michelle J. Burke (Reg. No. 37,791)
Orlando Lopez (Reg. No. 46,880)
Perkins, Smith & Cohen, LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 854-4000

* Mr. Kaye is available at 301-948-5535

TO: BOX PATENT APPLICATION
Commissioner for Patents
Washington, DC 20231

Sir:

Your applicant(s), named above hereby petition(s) for grant
of a utility patent to him (them) or any assignee(s) of record,
at the time of issuance, for an invention more particularly
described in the following specification and claims, with the
accompanying drawings, verified by the accompanying Declaration
and entitled: